

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Leslie M. Hixenbaugh
Sharon K. Hixenbaugh**
Debtor(s)

Bankruptcy Case No.: 20-20479-CMB
Per August 27, 2020 Proceeding
Chapter: 13
Docket No.: 35 - 5, 29
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 29, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1388.00 as of September, 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: IRS (Cl #1-4); PNC Bank NA (Cl #11) .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: September 2, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Leslie M. Hixenbaugh
 Sharon K. Hixenbaugh
 Debtors

Case No. 20-20479-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: gamr
 Form ID: 149

Page 1 of 2
 Total Noticed: 28

Date Rcvd: Sep 02, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 04, 2020.

db/jdb +Leslie M. Hixenbaugh, Sharon K. Hixenbaugh, 5905 Victor Circle, Aliquippa, PA 15001-4818
 15197738 +American Education Services, PO Box 2461, Harrisburg, PA 17105-2461
 15197740 +Bureau of Account Managment, 3607 Rosemont Ave Ste 502, Po Box 8875,
 Camp Hill, PA 17001-8875
 15197739 Bureau of Account Managment, Bureau Of Account, Camp Hill, PA 17011
 15220469 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 15215617 ECMC, PO BOX 16408, ST. PAUL, MN 55116-0408
 15197743 +Great Lakes Student Loans, P.O. Box 3059, Milwaukee, WI 53201-3059
 15197745 Merchants & Medical Credit, Viking Client Services, Flint, MI 48507
 15231432 +PNC Bank, N.A., 3232 Newmark Drive, Miamisburg, OH 45342-5421
 15197749 +PNC Mortgage, 3232 Newmark Drive, Miamisburg, OH 45342-5433
 15212319 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 15197746 +Pnc Bank, Po Box 3180, Pittsburgh, PA 15230-3180
 15197747 +Pnc Bank, Attn: Bankruptcy, Po Box 94982: Mailstop Br-Yb58-01-5, Cleveland, OH 44101-4982
 15197750 Sallie Mae/Navient, PO Box 9450, Wilkes Barre, PA 18773
 15197751 +Sharp Collections, 114 N. Mercer Avenue, Sharpsville, PA 16150-2211
 15225205 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
 15230407 Wells Fargo Bank, N.A., Wells Fargo Education Financial Services,
 PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438
 15197753 +Wells Fargo Bank, N.A., 301 E. 58th Street N, Sioux Falls, SD 57104-0422

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Sep 03 2020 05:03:20

Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS,
 Oklahoma City, OK 73118-7901
 cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 03 2020 05:03:28
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15197741 +E-mail/Text: bankruptcy_notifications@ccsusa.com Sep 03 2020 04:59:31
 Credit Collection Services, 2 Wells Avenue, Newton Center, MA 02459-3246
 15197742 +E-mail/Text: mrdiscen@discover.com Sep 03 2020 04:57:11 Discover Card, PO Box 71084,
 Charlotte, NC 28272-1084
 15231560 +E-mail/Text: kbarkley@bernsteinlaw.com Sep 03 2020 04:59:22 Duquesne Light Company,
 c/o Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 15197744 +E-mail/Text: sbse.cio.bnc.mail@irs.gov Sep 03 2020 04:57:25 Internal Revenue Service,
 PO Box 7346, Philadelphia, PA 19101-7346
 15197748 +E-mail/Text: edinkel@vikingservice.com Sep 03 2020 04:59:42 PNC Card,
 c/o Viking Client Services, 7500 Office Ridge Circle, Eden Prairie, MN 55344-3782
 15220994 E-mail/Text: bnc-quantum@quantum3group.com Sep 03 2020 04:57:48
 Quantum3 Group LLC as agent for, CF Medical LLC, PO Box 788, Kirkland, WA 98083-0788
 15198195 +E-mail/PDF: gecsedirecoverycorp.com Sep 03 2020 05:04:09 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15197752 +E-mail/Text: edinkel@vikingservice.com Sep 03 2020 04:59:42 Viking Client Services,
 7500 Office Ridge Circle, Eden Prairie, MN 55344-3783

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PNC Bank, National Association
 cr* +Duquesne Light Company, c/o Bernstein-Barkley, P.C.,
 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
 cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828

TOTALS: 1, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 04, 2020

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: gamr
Form ID: 149

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Total Noticed: 28

Date Rcvd: Sep 02, 2020

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 2, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor PNC Bank, National Association bkgroup@kmlawgroup.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Lauren M. Lamb on behalf of Debtor Leslie M. Hixenbaugh
julie.steidl@steidl-steinberg.com;courtdocs.sands@gmail.com;acordell@steidl-steinberg.com;cgoga@s
teidl-steinberg.com;LambLR53037@notify.bestcase.com;rlager@steidl-steinberg.com;leslie.nebel@stei
dl-steinberg.com
Lauren M. Lamb on behalf of Joint Debtor Sharon K. Hixenbaugh
julie.steidl@steidl-steinberg.com;courtdocs.sands@gmail.com;acordell@steidl-steinberg.com;cgoga@s
teidl-steinberg.com;LambLR53037@notify.bestcase.com;rlager@steidl-steinberg.com;leslie.nebel@stei
dl-steinberg.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 7